

REMARKS

Claims **1, 4-10, 17-45, 47-59, 61-72, 74-81, 83, 85** and **87-93** are pending in the application.

Claims **1, 4-6, 9, 10, 17, 18, 23, 24, 27-39, 42, 44, 45, 47-59, 61-72, 74-81, 83, 85** and **87-92** stand rejected.

Claims **7, 8, 19-22, 25, 26, 40, 41, 43** and **93** stand objected to.

Claims **1, 24, 31, 36, 38, 41-43, 47, 55, 68-72, 74-78, 81** and **93** have been amended.

Claims **18-19, 25, 37** and **39-40** have been cancelled.

Allowable Subject Matter

Claims 7, 8, 19-22, 25, 26, 40, 41, 43 and 93 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant wishes to express his appreciation for the indicated allowability of claims 7, 8, 19-22, 25, 26, 40, 41, 43 and 93. In response, Applicant has amended independent claims 1, 36, 55, 68 and 81 to include pertinent limitations of certain of the objected to claims, as well as certain of those of corresponding intervening claims. Applicant therefore respectfully submits that amended independent claims 1, 36, 55, 68 and 81, as well as all claims depending thereon and newly-independent claim 93, are in condition for allowance.

Informalities

The Office Action objects to Claim 18 as being of improper dependent form for purportedly failing to limit the subject matter of a previous. Claim 18 has been cancelled. Applicant respectfully submits this objection is therefore moot.

Rejection of Claims under 35 U.S.C. § 101

Claims 68-72 and 74-80 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants offer the amendments presented herein, and respectfully submit the rejection is addressed thereby.

Rejection of Claims under 35 U.S.C. §112

Claims 1, 4-10, 17-45, 47-59, 61-72, 74-81, 83, 85 and 87-93 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants respectfully traverse this rejection.

Regarding the Examiner's rejection of claims 1, 4-10, 17-45, 47-59, 61-72, 74-81, 83, 85 and 87-93 for use of the term "substantially equal," Applicant respectfully submits that use of the term is appropriate. The Federal Circuit has noted that "[w]ithout an express intent to impart a novel meaning to claim terms, an inventor's claim terms take on their ordinary meaning," and that "[o]rdinarily, therefore, 'substantially' means 'considerable in . . . extent,' or 'largely but not wholly that which is specified.'" *York Products, Inc., v. Central Tractor Farm & Family Center*, 99 F.3d 1568, 1572-3 [40 USPQ2d 1619, 1622] (Fed. Cir. 1996). Accordingly, Applicant respectfully submits that

the term “substantially equal” is, in fact, definite and would allow one of skill in the art to understand that the time intervals in question are of comparable durations and need not be exactly equal in duration for the claimed invention to function properly. However, with regard to claim 81, the language has been struck, in an effort to advance prosecution of the instant case, in light of the potential allowability of claim 81 presented in the Office Action. Applicants therefore respectfully submit that the claim language is sufficiently defined as to render the claims definite, and so this rejection overcome.

Rejection of Claims under 35 U.S.C. § 103(a)

Claims 1, 4-6, 9-10, 17-18, 23, 27-30, 36-39, 42, 44-45, 47-49, 55-59, 61-63, 68-72 and 74-76 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aguilera et al., U.S. Patent Publication No. 2005/0022009 (“Aguilera”) in view of Milliken, U.S. Publication No. 2003/0115485 (“Milliken”) and Cornett Jr. et al., U.S. Patent Publication No. 2003/0189916 (“Cornett”). Applicants offer amendments and respectfully traverse this rejection.

Claims 24, 31-35, 50-54, 64-67 and 77-80 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aguilera in view of Milliken and Cornett as applied to Claims 23, 30, 47, 61 and 74, respectively, and further in view of Khansari et al., U.S. Patent No. 6,446,131 (“Khansari”). Applicants offer amendments and respectfully traverse this rejection.

While not conceding that the cited references qualify as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully traverse the rejection in light of the amendments made to independent claims 1, 36, 55, 68 and 81. Applicants have amended independent claims 1, 36, 55, 68 and 81, as well as newly-independent

claim 93, to include limitations of allowable claims, and so believe this rejection to be overcome thereby. Applicants reserve the right, for example, in a continuing application, to establish that the cited references, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

Applicant, having amended independent claims 1, 36, 55, 68 and 81 to include pertinent limitations of certain of the objected to claims, as well as those of certain intervening claims, therefore respectfully submits that this rejection is overcome thereby. Applicant therefore further respectfully submits that claims 1, 36, 55, 68 and 81, all claims depending therefrom, and newly-independent claim 93, are in condition for allowance.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5094.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicants hereby petition for such extensions. Applicants also hereby authorize that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,

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